

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FISHER BROTHERS LAS VEGAS, LLC -

OWNER: FISHER BROTHERS LAS VEGAS, LLC ET AL

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0175-ZON1	Staff recommends DENIAL.	
22-0175-VAR1	Staff recommends DENIAL, if approved subject to conditions:	22-0175-ZON1
22-0175-VAR2	Staff recommends DENIAL, if approved subject to conditions:	22-0175-ZON1 22-0175-VAR1
22-0175-VAR3	Staff recommends DENIAL, if approved subject to conditions:	22-0175-ZON1 22-0175-VAR1 22-0175-VAR2

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17**NOTICES MAILED** 582 (by City Clerk)**PROTESTS** 2**APPROVALS** 1

**** CONDITIONS ****

22-0175-VAR1 CONDITIONS

Planning

1. A Variance (22-0175-VAR1) is hereby approved to allow a 65-foot wide lot where 100 feet is the minimum required.
2. Approval of a Rezoning (22-0175-ZON1) and approval of and conformance to the Conditions of Approval for Variance (22-0175-VAR2) and Variance (22-0175-VAR3) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0175-VAR2 CONDITIONS

Planning

1. A Variance (22-0175-VAR2) is hereby approved to allow a 65-foot wide lot where 100 feet is the minimum required.
2. Approval of a Rezoning (22-0175-ZON1) and approval of and conformance to the Conditions of Approval for Variance (22-0175-VAR1) and Variance (22-0175-VAR3) shall be required, if approved.

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3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0175-VAR3 CONDITIONS

Planning

1. A Variance (22-0175-VAR3) is hereby approved to allow a 65-foot wide lot where 100 feet is the minimum required.
2. Approval of a Rezoning (22-0175-ZON1) and approval of and conformance to the Conditions of Approval for Variance (22-0175-VAR1) and Variance (22-0175-VAR2) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to Rezone (22-0175-ZON1) four parcels totaling 2.49 acres generally located on the west side of Rancho Drive, approximately 355 feet north of Meade Avenue from a P-R (Professional Office and Parking) to M (Industrial) zoning district. In addition, the applicant has requested three Variances (22-0175-VAR1 to VAR3) to allow lots (APNs 162-08-603-001, 002 and 003) to not meet the required 100-foot minimum lot width outlined in Title 19.08.100 for the M (Industrial) district development standards.

ISSUES

- The applicant has requested three Variances (22-0175-VAR1 to VAR3) to allow lots (APNs 162-08-603-001, 002 and 003), which do not meet the required 100-foot minimum lot width outlined in Title 19.08.100 for the M (Industrial) district development standards. Staff recommends denial of the requested applications.
- There are no proposed development plans submitted with this request at this time.

ANALYSIS

The applicant is requesting to rezone four parcels that comprise 2.49 acres from P-R (Professional Office and Parking) zoning district to M (Industrial) zoning district. Currently, the site is developed with an office building on the western perimeter and parking/outdoor storage area that is being utilized by the commercial development that is located on the southeast perimeter of the site. The subject site currently has a General Plan designation of TOD-2 (Transit Oriented Development - Low). The TOD-2 land use designation has been adopted with the 2050 City of Las Vegas Master Plan, and is intended to facilitate developments of a moderate intensity, mixed use, transit oriented development suitable for current and future bus rapid transit corridors.

The subject site is located adjacent to existing single-family detached dwellings to the north, which are zoned R-1 (Single Family Residential). The west and south perimeter of the site is adjacent to a variety existing commercial developments, which are zoned M (Industrial). Also, the subject site is located directly adjacent to Interstate 15, which is located across Rancho Drive to the east of the subject site.

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Three of the four parcels (APNs 162-08-603-001, 002 and 003) do not meet the required 100-foot minimum lot width outlined in Title 19.08.100 M (Industrial) district development standards. The applicant has requested three Variances (22-0175-VAR1 to VAR3) to allow a 65-foot minimum lot width for the three referenced parcels where 100 feet is the minimum required. Furthermore, development of the three parcels in question is unlikely as Title 19.08.100 M (Industrial) development standards requires a minimum 50-foot distance setback from the existing single-family dwellings on the north perimeter of the subject site.

Staff notes the subject site is an existing commercial development with four lots that currently comply with the archived Title 19.08 P-R (Professional Office and Parking) development standards, which requires a minimum lot width of 60 feet. Staff finds that the applicants request to Rezone (22-0175-ZON1) the subject site to the M (Industrial) zoning district and associated Variances (22-0175-VAR1, VAR2 and VAR3) to create lots that do not meet the minimum 100-foot lot width to be a self-imposed hardship. Therefore, staff recommends denial of the requested Rezoning and Variance applications. If denied, the property would remain zoned P-R (Professional Office and Parking).

FINDINGS (22-0175-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed M (Industrial) zoning district conforms to the existing TOD-2 (Transit Oriented Development - Low) General Plan designation. However, staff does not support the associated Variances (22-0175-VAR1, VAR2 and VAR3) to allow a 65-foot minimum lot width for three of the four referenced parcels (APNs 162-08-603-001, 002 and 003).

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The intense commercial land uses allowed in the proposed M (Industrial) zoning districts are not compatible with the adjacent single-family residentially zoned properties to the north of the subject site.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

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There are no growth or development factors in the community that indicate the proposed M (industrial) zoning district is appropriate for the subject site.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The subject sites vehicular and pedestrian access will remain from Meade Avenue and Rancho Drive, which are adequate in size to service the subject site.

FINDINGS (22-0175-VAR1, VAR2 AND VAR3)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to create three parcels that do not comply with current Title 19.08.100 minimum lot width development standards. An alternative zoning designation or use of mapping techniques to consolidate lots for the subject site would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
10/01/80	The Board of City Commissioners approved a request for a Rezoning (Z-0068-80) from R-1 (Single Family Residence) to C-1 (Limited Commercial) for a proposed Off-Premise Sign on property generally located on the west side of South Rancho Drive, between Meade Avenue and Milo Way.
11/16/88	The City Council approved a Rezoning (Z-0068-88) from R-1 (Single Family Residence) to P-R (Professional Offices and Parking) on 1.59 acres adjacent to the west side of Rancho Drive, approximately 350 feet north of Meade Avenue. The Planning Commission and staff recommended approval.
11/17/93	The City Council approved a request for a Rezoning (Z-0094-93) from R-E (Residence Estates) and R-1 (Single Family Residence) to M (Industrial) and P-R (Professional Office and Parking) for a proposed office/warehouse/retail complex on property located on the northwest corner of Rancho Drive and Meade Avenue.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to add the subject property to the Las Vegas Redevelopment Area as part of a larger request and designate the area as C (Commercial) with the exception of 5.32 acres at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval of the request.
02/14/12	The Planning Commission accepted a request to withdraw General Plan Amendment (GPA-42939) from: C (Commercial) and SC (Service Commercial) to LI/R (Light Industry/Research) on 37.85 acres at the northwest corner of Desert Inn Road and Rancho Drive.
	The Planning Commission accepted a request to withdraw Rezoning (ZON-42940) from P-R (Professional Office and Parking) to M (Industrial) on 2.49 acres adjacent to the west side of Rancho Drive, approximately 355 feet north of Meade Avenue.
	The Planning Commission accepted a request to withdraw Rezoning (ZON-42941) from C-1 (Limited Commercial) to M (Industrial) on 14.72 acres located at the northwest corner of Desert Inn Road and Rancho Drive.

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
02/14/12	The Planning Commission accepted a request to withdraw Site Development Plan Review (SDR-43352) for a proposed Commercial Recreation/Amusement (Outdoor) Facility and a corresponding request for encroachment into the Rancho Drive public right-of-way at the northwest corner of Desert Inn Road and Rancho Drive.
	The Planning Commission accepted a request to withdraw Variance (VAR-43353) to allow 2,125 parking spaces where 2,488 spaces are required at the northwest corner of Desert Inn Road and Rancho Drive.
	The Planning Commission accepted a request to withdraw Special Use Permit (SUP-43355) for a proposed Supper Club at the northwest corner of Desert Inn Road and Rancho Drive.
	The Planning Commission accepted a request to withdraw Special Use Permit (SUP-43356) for a proposed Supper Club at the northwest corner of Desert Inn Road and Rancho Drive.
08/18/21	The City Council approved a request for a General Plan Amendment (21-0326-GPA1) from C (Commercial), MXU (Mixed-Use), L (Low Density Residential) and LI/R (Light Industry/Research) to TOD-2 (Transit Oriented Development-2) on 91.10 acres generally bounded by Rancho Drive to the east, Desert Inn Road to the south, Teddy Drive to the north, and Richfield Boulevard to the west. The Planning Commission recommended approval of the request.
06/21/22	<p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 2.49 acres located on the west side of Rancho Drive, approximately 355 feet north of Meade Avenue (APNs 162-08-701-001 and 162-08-603-001, 002 and 003), Ward 3 (Diaz)</p> <ul style="list-style-type: none"> • 22-0175-ZON1 - REZONING - FROM: P-R (PROFESSIONAL OFFICE AND PARKING) TO: M (INDUSTRIAL) • 22-0175-VAR1 - VARIANCE - TO ALLOW 65-FOOT WIDE LOT WHERE 100 FEET IS THE MINIMUM REQUIRED (APN 162-08-603-001) • 22-0175-VAR2 - VARIANCE - TO ALLOW 65-FOOT WIDE LOT WHERE 100 FEET IS THE MINIMUM REQUIRED (APN 162-08-603-002) • 22-0175-VAR3 - VARIANCE - TO ALLOW 65-FOOT WIDE LOT WHERE 100 FEET IS THE MINIMUM REQUIRED (APN 162-08-603-003)

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Most Recent Change of Ownership	
12/15/05	A deed was recorded for a change in ownership. (APN 162-08-701-001)
05/16/06	A deed was recorded for a change in ownership. (APN 162-08-603-003)
08/21/06	A deed was recorded for a change in ownership. (APN 162-08-603-001 and 002)

Related Building Permits/Business Licenses	
09/07/07	A building permit (#C-97440) was issued for repairing meter service at 2964 Meade Avenue. The permit has not been finalized.
12/23/10	A business license (#U05-00401) was issued for a Public Utility Telephone (Airband Communication, Inc.) at 2964 Meade Avenue. The license was marked inactive on 07/29/14.
01/31/11	A building permit (#C-180485) was issued for re-roofing at 2964 Meade Avenue. The permit has not been finalized.

Related Building Permits/Business Licenses	
02/01/11	A building permit (#C-180578) was issued to install one set of illuminated channel letters for a sign at 2964 Meade Avenue. The permit was finalized on 04/28/11.
12/24/14	A business license (G62-10335) was issued for a General Retail Sales (HDWIFI Technologies, LLC) at 2964 Meade Avenue. The license was marked inactive on 11/28/15.
03/05/15	A business license (G62-10340) was issued for a Management or Consulting Service (ILV Entertainment Network) at 2964 Meade Avenue. The license was marked inactive on 08/28/16.
11/16/16	A building permit (#C-330074) was issued for a heating, ventilation, air conditioning (HVAC) exact change outs and repairs at 2964 Meade Avenue. The permit was finalized on 03/21/17.
04/18/17	A business license (#G65-01885) has been issued for Business Support Services (B.I. Incorporated) at 2960 Meade Avenue. The license is still active.
09/23/17	A building permit (#C17-01683) was issued for a heating, ventilation, air conditioning (HVAC) exact change outs and repairs at 2960 Meade Avenue. The permit has not been finalized.

Pre-Application Meeting	
03/24/22	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Rezoning four parcels of land.

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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

05/05/22

During a routine site inspection staff noted the site was an existing commercial development free of trash and debris.

Details of Application Request**Site Area**

Net Acres 2.49

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Other than Listed	TOD-2 (Transit Oriented Development - Low)	P-R (Professional Office and Parking)
North	Single Family Detached Dwellings	TOD-2 (Transit Oriented Development - Low)	R-1 (Single Family Residential)
South	Office, Other than Listed	TOD-2 (Transit Oriented Development - Low)	M (Industrial)
	General Retail		
	Industrial		
	Medical Office		
	Taxi Yard		
East	Interstate 15	ROW (Right-Of-Way)	ROW (Right-Of-Way)
West	Office, Other than Listed	LI/R (Light Industry/Research)	M (Industrial)
	Storage Yard		R-1 (Single Family Residential)
	Industrial		

Master and Neighborhood Plan Areas

Master Plan 2050 Area: Charleston

Compliance

N/A

Special Area and Overlay Districts

A-O (Airport Overlay) District – 175 Feet

Compliance

Y

JB

Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan (Area 1)	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.100, the following standards apply:

Standard - (APN 162-08-701-001)	Required/Allowed	Provided	Compliance
Min. Lot Width	100 SF	315 SF	Y
Min. Setbacks			
• Front	10 Feet	41 Feet	Y
• Side (east)	10 Feet	45 Feet	Y
• Side (west)	10 Feet	43 Feet	Y
• Rear	50 Feet	63 Feet	Y

Standard - (APN 162-08-603-001, 002 and 003)	Required/Allowed	Provided	Compliance
Min. Lot Width	100 SF	65 SF	N*
Min. Setbacks			
• Front	10 Feet	N/A	N/A
• Side (east)	10 Feet	N/A	N/A
• Side (west)	10 Feet	N/A	N/A
• Rear	50 Feet	N/A	N/A

* The applicant has requested a Variance (22-175-VAR1, VAR2 and VAR3) to allow a 65-foot minimum lot width where 100 feet is required by Title 19.08.100.

Existing Zoning	Permitted Density	Units Allowed
P-R (Professional Office and Parking)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
M (Industrial)	N/A	N/A
Existing General Plan	Permitted Density	Units Allowed
TOD-2 (Transit Oriented Development - Low)	N/A	N/A

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Rancho Drive	Primary Arterial (with Limited Access)	Master Plan of Streets and Highways Map	50	Y
Meade Avenue	Local Street	Title 13	60	Y